

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JACOB WHEELER,

Plaintiff,

v.

CONFORMIS, INC., KENNETH FALLON
III, MARK AUGUSTI, CARRIE
BIENKOWSKI, GARY P. FISCHETTI,
PHILIP W. JOHNSTON, and BRAD
LANGDALE,

Defendants.

Case No. 1:23-cv-06961-AS

**NOTICE OF VOLUNTARY
DISMISSAL**

PLEASE TAKE NOTICE that, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), plaintiff Jacob Wheeler (“Plaintiff”) voluntarily dismisses the claims in the captioned action (the “Action”). Because this notice of dismissal is being filed with the Court before service by defendants of either an answer or a motion for summary judgment, Plaintiff’s dismissal of the Action is effective upon the filing of this notice.

Dated: September 6, 2023

Respectfully Submitted,

/s/ Richard A. Acocelli

Richard A. Acocelli

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